

LOUISIANA BOARD OF ETHICS
MINUTES
November 16, 2012

The Board of Ethics met on November 16, 2012 at 9:00 a.m. in the LaBelle Room on the 1st floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana, with Board Members Backhaus, Blewer, Ingrassia, Leggio, Monroe, Schneider, Shelton and Stafford present. Absent were Board Members Lemke and McAnelly. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Deborah Grier; and Counsel Tracy Barker, Aneatra Boykin, Mike Dupree, Brent Durham, Jennifer Land and Suzanne Mooney.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 11-113 for reconsideration of a waiver of the \$360, \$400 and \$280 late fees assessed against Gilda L. Johnson, a candidate for Natchitoches Parish School Board, District 6 in the October 2, 2010 election, whose Special, EDE-P and 10-G campaign finance disclosure reports were filed 9, 20 and 7 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the December meeting.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-762 for reconsideration of a waiver of the \$420 late fee assessed against Allen Guillory, a candidate for State Representative, District 40 in the August 1, 2009 election, whose Supplemental campaign finance disclosure report was filed 7 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the December meeting.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-1170 for reconsideration of a waiver of the \$1,500 late fee

assessed against Barbara Norton, a candidate for State Representative, District 3 in the October 22, 2011 election, whose 40-G campaign finance disclosure report was filed 25 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the December meeting.

Chairman Monroe vacated the Chair. Vice Chairman Schneider assumed the Chair.

Mr. Sterling Lejeune appeared before the Board in Docket No. 12-1436 in connection with a request for a waiver of the \$1,350 late fee assessed against him for filing his 2010 Tier 2.1 annual personal financial disclosure statement 27 days late. After hearing from Mr. Lejeune, on motion made, seconded and unanimously passed, the Board declined to waive the \$1,350 late fee but suspended \$850 conditioned upon future compliance with the Code of Governmental Ethics. Board Member Monroe recused himself.

Chairman Monroe resumed the Chair.

Board Member Lemke arrived at the meeting at 9:23 a.m.

Ms. Monica Bowers, attorney and treasurer for Dale Atkins, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 12-1894 in connection with a request for a waiver of the \$2,500 late fee assessed against Dale Atkins, a candidate for Clerk of Orleans Parish Civil District Court in the February 6, 2010 election, whose Supplemental campaign finance disclosure report was filed 237 days late. After hearing from Ms. Bowers, on motion made, seconded and unanimously passed, the Board declined to waive the \$2,500 late fee but suspended \$1,000 conditioned upon future compliance with the Campaign Finance Disclosure Act.

Mr. Jimmy Faircloth and Mr. Johnny Ringo appeared before the Board, on behalf of Jay Guillot, in Docket No. 12-1615 in connection with a request for an advisory opinion regarding

whether a company, Hunter, Guillot & Associates (HGA), owned by Mr. Guillot, a member of the Louisiana Board of Elementary and Secondary Education (BESE), may continue to participate in the Louisiana Incumbent Worker Training Program (IWTP). After hearing from Mr. Faircloth and Mr. Ringo, on motion made, seconded and unanimously passed, the Board concluded that HGA may continue to participate in the IWTP program pursuant to the exception in Section 1113D(1)(c)(iii) of the Code of Governmental Ethics.

Mr. Burl Cain, Warden at the Louisiana State Penitentiary (LSP), appeared before the Board in Docket No. 12-1011 in connection with a request for an advisory opinion as to whether he may provide consulting services to Louisiana Workforce, LLC. After hearing from Mr. Cain, on motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Warden Cain, while serving as the Warden of the LSP at Angola, providing compensated consulting services on a part-time basis to Louisiana Workforce, LLC or having a small minority ownership interest in Louisiana Workforce, LLC as long as Louisiana Workforce, LLC does not have a contractual, financial or business relationship with LSP at Angola, since Warden Cain's job duties and responsibilities do not include consulting services with privately managed prison facilities and transitional work release programs, including the Louisiana Workforce, LLC. The Board further advised that Sections 1112A and 1112B(3) of the Code of Governmental Ethics would prohibit Warden Cain from participating in the recommendation, even though he does not make the final decision, to transfer an inmate to any privately managed prison facility or transitional work release program to whom he is providing part-time consulting services, including Louisiana Workforce, LLC. Board Member Lemke recused himself.

Mr. Joe Bean, Chairperson of Athletics in Action, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket 12-1145 for reconsideration of a waiver of the \$2,000 late fee assessed against the committee for filing the 40-G campaign finance disclosure report 60 days late. After hearing from Mr. Bean, on motion made, seconded and unanimously passed, the Board declined to waive the \$2,000 late fee but suspended \$1,500 conditioned upon future compliance with the Campaign Finance Disclosure Act.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G6-G19 en globo subject to any items being removed from the en globo listing for further discussion. On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on items G6-G19 taking the following action:

Adopted for publication, a consent opinion in Docket No. 11-1202 in which Mayor Edna Jones, Village of Natchez, agrees that a violation of Section 1119 of the Code of Governmental Ethics occurred by virtue of the employment of her son-in-law, David Gafford, as a maintenance worker by the Village of Natchez while she served as Mayor and in which Mayor Jones agrees to pay a fine of \$1,000.

Adopted for publication, a consent opinion in Docket No. 11-1256 in which Computer Performance, Inc., a company owned by Richard Foret, agrees that a violation of Section 1113A of the Code of Governmental Ethics occurred by the company entering into transactions totaling \$6,938.04 to sell computer equipment and supplies to the St. John the Baptist Parish Department of Public Safety, Office of Homeland Security and Emergency Preparedness at a time when Mr. Foret's wife, Leslie Foret, was employed as the 911 Communications Manager with the St. John the Baptist

Parish Department of Public Safety, Office of Homeland Security and Emergency Preparedness and in which Computer Performance, Inc. agrees to pay a fine of \$1,500.

Adopted for publication, a consent opinion in Docket No. 11-1608 in which (1) Kelly Rabalais agrees that a violation of Section 1119 of the Code of Governmental Ethics occurred by virtue of her employment as a secretary for the St. Landry Fire District #3 Civil Service Board while her sister, Terri Courville, served as a member of the board and in which Ms. Rabalais agrees to pay a fine of \$1,000; and, (2) Terri Courville agrees that violations of Sections 1112B(1) and 1119 of the Code of Governmental Ethics occurred by virtue of the employment of her sister, Kelly Rabalais as secretary for the board and by her participation, as a member of the St. Landry Fire District #3 Civil Service Board, in the granting of a \$100 per month pay raise to her sister, and in which Ms. Courville agrees to pay a fine of \$2,000.

Adopted an advisory opinion in Docket No. 12-1617 concluding that no violation of the Code of Governmental Ethics is presented by Ray M. Newton, Administrator for St. Tammany Fire District 12, training the District's firefighters on how to prepare to cut and remove damaged trees on property owned by Robert Barnett, the attorney for St. Tammany Fire District 12, since Mr. Barnett will donate the trees for the training purposes and the trees will not be removed from Mr. Barnett's property once the training is completed.

Adopted an advisory opinion in Docket No. 12-1671 concluding that no violation of the Code of Governmental Ethics is presented by a water station being constructed by the City of Leesville on property owned by Representative James K. Armes, III while he serves as a member of the House of Representatives, since Representative Armes would be entering into a contract with the City of Leesville and not state government.

Adopted an advisory opinion in Docket No. 12-1677 concluding that no violation of the Code of Governmental Ethics is presented by Aquicline Rener-Arnold, a member of the Iberia Parish Council, accepting employment with the Department of Social Services (DSS), Child Welfare Division as an investigator while she serves as a member of the Iberia Parish Council, since the DSS is not a person and since the services that Ms. Rener-Arnold will be providing are not devoted substantially to the responsibilities, programs or operations of the Iberia Parish Council and in which she has participated.

Adopted an advisory opinion in Docket No. 12-1681 concluding that members of the City of Lake Charles Mayor's Armed Forces Commission are required to complete the annual ethics training pursuant to Section 1170A(3) of the Code of Governmental Ethics, since the members are public servants because they are appointed by an elected official (the mayor) when acting in an official capacity and the appointment is to a post or position wherein the board member is to serve the city as a member of the agency.

Adopted an advisory opinion in Docket No. 12-1696 concluding that no violation of the Code of Governmental Ethics is presented by Jerome Fitch, a member of the Iberia Parish Council entering into a contract with the City of Jeanerette to provide renovations to the Jeanerette Museum, since the contract will be between Mr. Fitch's construction firm and the City of Jeanerette, which is not under the supervision of the Iberia Parish Council.

Adopted an advisory opinion in Docket No. 12-1709 concluding that no violation of the Code of Governmental Ethics is presented by the spouse of Justice of the Peace Roscoe W. Lewis, Sr. serving as the Executive Director of the Public Housing Authority in the district where Mr. Lewis serves as Justice of the Peace, since a Justice of the Peace is defined as a "judge" by the

Judicial Code and is exempt from the provisions of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 12-1778 concluding that no violation of the Code of Governmental Ethics is presented by Kay Hodges, the former Assistant Secretary of the Office of Motor Vehicles, applying for a license to open a driving school within two (2) years following her retirement from state service, since she will neither be assisting another person in a transaction involving her former agency nor will she be entering into a contract with the Office of Motor Vehicles.

Adopted an advisory opinion in Docket No. 12-1780 concluding that no violation of the Code of Governmental Ethics is presented by Johnny Bordelon, the former Director of Engineering for St. Tammany Parish, accepting employment with an engineering consulting firm that does business with St. Tammany Parish, since Mr. Bordelon will not be assisting the consulting firm in transaction with St. Tammany Parish nor will he be rendering a service back to St. Tammany Parish on a contractual basis.

Adopted an advisory opinion in Docket No. 12-1793 concluding that no violation of the Code of Governmental Ethics is presented by the step-daughter of a member of the East Carroll Parish Library Board of Control being employed as the Library Director, since the definition of “immediate family” contained in Section 1102(3) of the Code of Governmental Ethics does not include step-children.

Adopted an advisory opinion in Docket No. 12-1797 concluding that no violation of the Code of Governmental Ethics is presented by the Rapides Parish Fire District No. 2 hiring the sons of district chiefs who would have no direct authority over their sons, as long as the sons are assigned to a district that their fathers do not supervise.

Adopted an advisory opinion in Docket No. 12-1831 concluding that no violation of the Code of Governmental Ethics is presented by Marilyn Miller being employed as Town Clerk for the Town of Mooringsport while her brother and her father are employed as water operators for the Town of Mooringsport, since Ms. Miller's brother and father were both employed by the Town of Mooringsport for at least one year prior to her becoming the Town Clerk.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the October 18-19, 2012 meetings.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered requests for "good cause" waivers of late fees assessed against the following candidates and political action committees:

The Board unanimously declined to waive the late fees assessed against the following:

Docket No. 12-1359 from Ray Lauga, Jr. of a \$1,000 late fee and a \$200 late fee;
Docket No. 12-1790 from C.O. Simpkins of a \$3,000 late fee; and,
Docket No. 12-1842 from Home Builders Association of Central LA of a \$2,000 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-1502 for a waiver of the \$1,000 late fee assessed against Brenda Romero, who participated in a recall of Chuck Kleckley, a candidate for State Representative, District 36 in the October 22, 2011 election, for filing the 45 day (after filing the recall petition) campaign finance disclosure report 56 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,000 late fee but suspended \$500 conditioned upon future compliance with the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board

considered a request in Docket No. 12-1503 for a waiver of the \$1,000 late fee assessed against Angie Bonvillian, who participated in a recall of Governor Bobby Jindal for filing the 45 day (after filing the recall petition) campaign finance disclosure report 56 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,000 late fee but suspended \$500 conditioned upon future compliance with the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-1789 for a waiver of the \$640 late fee assessed against Frank “Paco” Besson, a candidate for Grand Isle Chief of Police in the March 24, 2012 election, for filing his 10-G campaign finance disclosure report 16 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$640 late fee but suspended \$540 conditioned upon future compliance with the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-1790 for a waiver of the \$440 late fee assessed against C.O. Simpkins, a candidate for Catahoula Parish Coroner in the October 22, 2012 election, for filing his Special campaign finance disclosure report 11 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$440 late fee but suspended \$240 conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board considered requests for “good cause” waivers of late fees assessed against the following individuals in connection with the failure to timely file personal financial disclosure reports:

The Board considered a request in Docket No. 12-1623 for a waiver of the \$1,500 late fee assessed against Dione Lewis for filing her 2010 Tier 3 annual personal financial disclosure

statement 82 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee.

The Board considered a request in Docket No. 12-1868 for a waiver of the \$2,500 late fee assessed against Representative Wesley Bishop for filing his 2009 Tier 2 candidate personal financial disclosure statement 97 days late. On motion made, seconded and unanimously passed, the Board deferred the matter.

The Board unanimously agreed to consider the following supplemental agenda items:

The Board considered a request for an advisory opinion in Docket No. 12-1707 regarding Mary Castillion, a current employee of the North Lake Resource Center on Developmental Disabilities within the Office for Citizens with Developmental Disabilities (OCDD) in the Department of Health and Hospitals (DHH), providing occupational therapy services as a private contractor following the privatization of some of the services provided by the North Lake Resource Center on Developmental Disabilities. On motion made, seconded and unanimously passed, the Board concluded that, based on the unique circumstances of the privatization of governmental services such as those performed by the North Lake Resource Center on Developmental Disabilities, no violation of the Code of Governmental Ethics is presented by Ms. Castillion entering into a contractual relationship with the Early Steps program following the privatization of her agency.

The Board considered a request for an advisory opinion in Docket No. 12-1799 regarding whether Andrew Gressett, the publisher of an online blog and owner of Property Rights Commission, LLC, is required to file campaign finance disclosure reports or any other reports under the jurisdiction of the Board of Ethics. On motion made, seconded and unanimously passed, the Board concluded that the Campaign Finance Disclosure Act will require Mr. Gressett to file as an

“any other person”if he expends more than \$500 on pamphlets or any other materials where information regarding candidates is dispensed.

The Board unanimously resolved into executive session.

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EXECUTIVE BUSINESS

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The Board unanimously resolved into general business session.

Chairman Monroe announced that there was no action to be taken with respect to litigation discussed in executive session.

Ms. Allen made reference to the February 9, 2012 letter of recommendations submitted by the Board to Governor Bobby Jindal, Senate President John Alario and House Speaker Chuck Kleckley with respect to revisions in the Code of Governmental Ethics and other legislation relating to the conduct of public servants and other persons subject to the provisions of the Code of Governmental Ethics. Ms. Allen advised the Board that the letter should be reviewed and revised, if needed, so that recommendations can be made in December for the upcoming 2013 legislative session which begins in April.

The Board unanimously adjourned at 11:00 a.m.

Secretary

APPROVED:

Chairman